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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,796	10/23/2003	Raymond Anthony Joao	RJ250	7153
7590 RAYMOND A. JOAO, ESQ. 122 BELLEVUE PLACE YONKERS, NY 10703		01/23/2008	EXAMINER CORRIELUS, JEAN M	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/691,796	Applicant(s) JOAO, RAYMOND ANTHONY	
	Examiner Jean M. Corrielus	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-52 and 54-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/09/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the Request for Consideration Examination and amendment filed on September 21, 2007, in which claims 41-48, 50-52 and 54-72 are presented for further examination.

Response to Arguments

2. Applicant's arguments filed 9/21/07 have been fully considered but they are not persuasive. Applicant definition to the phrase at least one of is inconsistent with limitations of the claims. Applicant is reminded that the phrase at least one of A and B does not mean that A and B need to be present to perform a task, it is only one or the other or both. Therefore, the claimed languages need to modify to reflect such analogy. The aforementioned phrase does not further limit the claims but rather broadens the scope.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 41-52, 54-59 and 61-72 are rejected under 35 U.S.C. 102(e) as being anticipated by McGovern et al., (hereinafter "McGovern") US Patent no. 6,370,510.

As to claim 41, McGovern discloses a system for automatically notifying the job seeker when a position for which the job seeker is suitable becomes available. In particular, McGovern discloses "a memory for storing information regarding a job opening and position" (the job opening and the position are stored in the computer memory item 42); "a processing device for processing utilizes information regarding of the job opening" (automatically processing or searching information regarding the position or the job opening, col.); "the processing device generates a message containing information regarding a job opening" (creating a message with respect to the job position, see col.16, lines 28-38) ; and "transmitting the message to a communication device associated with an individual" (automatically notifying the job seeker when a position for which the job seeker is suitable becomes available, see abstract, col.18, lines 24-35; col.19, lines 35-42) .

As to claim 42, McGovern discloses the claimed "wherein the message is transmitted to the communication device via or over a wireless communication network" (the message is transmitted via a remote communication device item 44).

As to claim 43, McGovern discloses the claimed "wherein the communication device is an interactive telephone" (col.1, lines 30-36).

As to claim 44, McGovern discloses the claimed "wherein the information regarding a job opening" (see col.19, lines 32-34).

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As to claims 45-47, McGovern discloses the claimed job search request (col.16, lines 10-17).

As to claim 48, McGovern discloses the claimed "wherein the message is transmitted as an email message" (col.19, line 45).

As to claim 50, McGovern discloses the claimed "wherein the message contains a hyperlink" (col.19, line 40).

As to claims 51-52, 54-59:

The limitations of claims 51-52 and 54-59 have been addressed in the rejection of claims 41-50 above. They therefore, rejected under the same rationale.

As to claims 61-72, McGovern discloses the claimed "message is transmitted via internet" (col.19, line 40); "message includes employment position" (col.19, lines 40-42); "job search or job opening" (col.19, line 29).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGovern et al., (hereinafter "McGovern") US Patent no. 6,370,510 in view of Williams et al., (hereinafter "Williams") US Patent no. 6,783,964

As to claim 60, McGovern discloses substantially the invention as claimed, except for applying an interview for a job. On the other hands, Williams discloses an analogous system for applying an interview for a job (col.3, lines 8-15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the recruiting service as disclosed by McGovern would incorporate the use of Applying a job interview in the same conventional manner as disclosed by for the purpose of selected the most qualify candidate for the job opening.

Conclusion

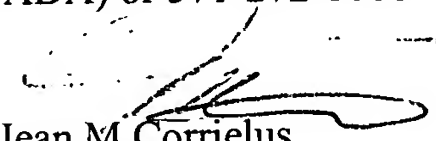
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jean M Corrielus
Primary Examiner
Art Unit 2162
